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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,025	03/15/2004	David G. Hees	KEN02 P-101	1022
28101 7590 12/13/2007 VAN DYKE, GARDNER, LINN & BURKHART, LLP SUITE 207 2851 CHARLEVOIX DRIVE, S.E. GRAND RAPIDS, MI 49546			EXAMINER KWIECINSKI, RYAN D	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/801,025	Applicant(s) HEES, DAVID G.	
	Examiner Ryan D. Kwiecinski	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-42 is/are pending in the application.
- 4a) Of the above claim(s) 40-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Newly submitted claims 40-42 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The method of making a paneled door has a different classification and would require a different search, in turn putting a burden on the office. The process of making the paneled door can be used to form a materially different product such as a wall panel with a removable insert, window systems, etc.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 40-42 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 9206265 to Weimann in view of 6,053,585 to Osen.

Claim 34:

Weimann discloses a paneled door assembly comprising:

a flat panel door assembly (50, Fig.3), said flat panel door assembly including a door frame assembly (54, Fig.3) and door skins (56,52, Fig.3) mounted to opposed sides of said door frame assembly, each of said door skins having a door skin opening (central openings, Fig.3) extending therethrough, said door skin openings being aligned to form a flat panel door assembly opening (Central opening, Fig.3), said door frame assembly having a perimeter frame (54, Fig.3) with a lower member (lower perimeter portion of 54, Fig.3), said door frame assembly having an access opening (top opening in 54, Fig.3) in communication with said flat panel door assembly opening for receiving a panel; and

at least one panel (64, Fig.3) extending through said flat panel door assembly and located in said flat panel door assembly opening to thereby form said paneled door assembly.

Weimann does not disclose said lower member having a lower transverse access opening in communication with said flat panel door assembly opening for receiving a panel;

and said panel having an appearance of a wood panel.

Osen discloses a lower member having a lower transverse access opening (Column 2, lines 40-45) in communication with said flat panel door assembly opening for receiving a panel;

and said panel having an appearance of a wood panel (Column 2, lines 54-64, Fig.2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed a lower access opening in the door of Weimann taught by Osen in order to be able to insert the removable panel into the door as well as disguise and hide the opening in the door frame from the visual eye.

Claim 35:

Weimann in view of Osen discloses the paneled door assembly according to claim 34, Weimann also discloses further comprising a support frame (92,95, Fig.6) framing said flat panel door assembly opening, said support frame having grooves (96, Fig.6) for receiving said at least one panel therein.

Claim 36:

Weimann in view of Osen discloses the paneled door assembly according to claim 34, Weimann also discloses said flat panel door assembly opening comprises a central opening (Central opening, Fig.3).

Claim 37:

Weimann in view of Osen discloses the paneled door assembly according to claim 3, Weimann also discloses said support frame (92,95, Fig.6) includes side grooves (96, Fig.6) for receiving said panel therein, said grooves aligning with said lower transverse access opening in said lower member.

Claim 39:

Weimann in view of Osen discloses the paneled door assembly according to claim 34, Weimann also discloses each of said door skins (52,56, Fig.3) provide a seamless contiguous outer surface on a respective side of said door frame assembly.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 9206265 to Weimann in view of 6,053,585 to Osen in view of WO 8809425 A1 to Heeg et al.

Claim 38:

Weimann in view of Osen discloses the paneled door assembly according to claim 34, Weimann also discloses an upper transverse access opening (upper opening in Fig.3) but does not disclose further comprising a second panel in said door frame assembly, said second panel extending into said door assembly though said upper transverse access opening to thereby form an upper panel in said paneled door assembly.

Heeg et al. discloses a second panel in said door frame assembly (44,46, Fig.2) forming an upper panel.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have installed a second panel in the panel door assembly taught by Heeg et al. Plural panel doors are notoriously well known in the art and would have been an obvious design choice. Both Weimann and Osen disclose

upper access openings in the door frame assembly therefore making it obvious to add another panel to the door assembly of Weimann.

Response to Arguments

Applicant's arguments with respect to claims 34-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Kwiecinski whose telephone number is

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(571)272-5160. The examiner can normally be reached on Monday - Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571)272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



RDK

Robert Canfield
Primary Examiner

